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167673

TO: David B. Peden, Director
Environmental Health Division

FROM: John H. Bindeman,
Supervising Sanitarian

SUBJECT: Status of legal administrative action
against landfill operators in Montgomery County.

South Dayton Dump & Landfill
1975 Springboro Pike
Moraine, Ohio 45439

Owner: Alcine Grillet

February 6, 1970 - Affidavit filed by Mr. Bindeman for operating a landfill without a state permit. Trial was held in Judge Berger's Court. No decision was reached by the judge.

End of report

Not Filed *9/17/69*

COLUMBUS BLANK BOOK CO., COI., O.
Form No. X64-3

STATE AFFIDAVIT

STATE OF OHIO.

Montgomery

County.

ss

County Court,

Area—District,

Ohio

Montgomery County, Ohio

/ Judge + Clerk of said County Court

Before me, Dorothy Honce, Notary Public in and for *Montgomery County, Ohio*
personally came John H. Bindeman, Supervising Sanitarian, Montgomery Co. Health Dept.
who being duly sworn according to law, deposes and says that on or about the 17th
day of September, A. D. 1969, at the County of Montgomery
aforesaid, one Alcine Grilloit did burn lumber, tree trimmings, paper, and cloth on

the South Dayton Dump and Landfill at 1975 Springboro Road, City of Moraine without
receiving the required permission from the Ohio Director of Health and the Montgomery
County *Board of Health* Health Officer. This burning was conducted in direct violation of an official
order of the Montgomery County Department of Health, Section 3734.03 of the Ohio
Revised Code, and Regulation HE-24-06 of the Ohio Sanitary Code.

STATE WARRANT

THE STATE OF OHIO

County,

ss.

To the Sheriff—Constable of _____, GREETING:

Whereas, there has been filed before me an affidavit, the original of which is herewith attached and by reference made a part of this warrant.

These are, therefore, to command you to take the said _____

if _____ be found in your County, or if _____

shall have fled, that you pursue after _____ into any other County within this State and _____

take and safely keep, so that you have _____ body forthwith before me, or some other Magistrate having competent jurisdiction, to answer said complaint, and be further dealt with according to law.

Witness my signature and the seal of said Court, this _____ day
of _____ A. D. 19_____

Judge—Clerk, County Court

RETURN

THE STATE OF OHIO
Montgomery County
City of Kettering

ss.

IN THE KETTERING MUNICIPAL COURT

Before me, Virginia Hahn, a Deputy Clerk of the Kettering Municipal Court, in the County of Montgomery and State of Ohio, aforesaid, personally came John H. Bindeman II who being duly sworn according to law, deposes and says that on or about the 6th day of February A. D., 1970, in the City of Kettering and in the County of Montgomery and in the State of Ohio, did one Alcino Grillot DEA South Dayton Dump & Landfill operate or maintain a solid waste disposal site at 1975 Springboro Road without a license issued by the Montgomery County Board of Health.

Contrary to Section 3734.05(A) of the Ohio Revised Code and against the Peace and Dignity of the State of Ohio; and that said Alcino Grillot is guilty of the facts charged.

Swear to and subscribed before me by the said John H. Bindeman II in the City of Kettering and County of Montgomery and State of Ohio, this 9th day of February, A. D., 1970

John H. Bindeman II

~~XXXXXXXXXXXX~~
Clerk of the Kettering Municipal Court

Virginia Hahn

VIRGINIA HAHN, Notary Public
in and for Montgomery County, Ohio
My Commission Expires 12-18-72
Deputy

Feb 70 JHB
discussed this matter w Paul winter holder
thinks we have a case but wants to check
w Pat McHugh. Either he or Pat will call
to release this matter